CASCADE COUNTY PLANNING BOARD

March 20, 2018
) 9:00 am
Court House Annex
325 2nd Ave North

Board Members: Dexter Busby, Mark Carlson, Dan Johnstone, Richard Liebert, Elliott Merja, Rob Skawinski, Ken
Thornton

Notice: These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

Staff Present: Alex Dachs, Sandor Hopkins, Fernando Terrones, and Nadine Thares Attendees: Mark Leo, Todd Davy

1. Call to order: Chairman Elliott Merja called the meeting to order at 9:00 am

2. Roll call:

Board Members Present: Mark Carlson, Dan Johnstone Richard Diebert, Elliott Merja, Rob

Skawinski, Ken Thornton, Dexter Busby

Board Members Absent: none

3. Approval of Minutes: January 30, 2018

Richard Liebert motioned to approve the minutes as submitted.

Mark Carlson Ken Thornton seconded the motion.

All in Favor, Motion passes 7-0

4. New Business:

A. Public Hearing:

Sandor Hopkins presented the staff report. Summation is as follows: The Planning Board is in receipt of an application from Todd & Nadine Davy to approve a first-time minor preliminary plat. The proposed subdivision is located in the N1/2 SE 1/4 and SW 1/4 NE 1/4 of S28 T21N, R2E, P.M.M., Cascade County, Montana. This property is located off the Vaughn South Frontage Road. Attached is a copy of the preliminary plat, which will subdivide the 10.293-acre parcel into one (1) tract of 3.967 acres, and one (1) tract of 6.326 acres. There are no delinquent taxes on this property.

Access to the proposed subdivision will be via Vaughn South Frontage Road, no modification to the existing approaches are proposed. The frontage road is a paved road maintained by Montana Department of Transportation. For the purposes of the county subdivision, based on trip generation factors available from the Institute of Transportation Engineers, each of the two commercial parcels will generate approximately 3.2 trips per day per employee on the access roads to the proposed subdivision. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Vaughn/Manchester Volunteer Fire Department.

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Lots 1 and 2 of the proposed subdivision have existing development and the developer will verify compliance with DEQ regulations for Water and Wastewater systems. According to the US Department of Agriculture Custom Soil Resource Report the land is not considered prime farmland of statewide importance. The parkland requirement is waived pursuant to M.C.A. 76-3-621(3)(e) (2017). The existing zoning is Commercial (C), and the existing land use is a vacant novelty shop and construction shop. The surrounding land uses are vacant and Light Industrial.

The applicant has obtained a letter from the State Historic Preservation Office locating nearby cultural resource sites and declining a recommendation of a cultural resource inventory on the proposed site of subdivision. A public hearing on a minor plat is not required for first time minor subdivisions pursuant to M.C.A. 76-3-609 (2) (e) (2017). An environmental assessment is not required pursuant to M.C.A. 76-3-609 (2)(d)(i) (2017).

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations, and is in general compliance with the Cascade County Growth Policy.

RECOMMENDATIONS

The following recommendations are provided for the Board's consideration:

 recommend to the County Commission that the <u>Plat of Davy's Minor Subdivision</u> be denied;

Or

- 2. recommend to the County Commission that the <u>Plat of Davy's Minor Subdivision</u> be approved, subject to the following conditions:
 - 1. having the developer's surveyor correct any errors or omissions on the preliminary plat;
 - 2. causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
 - 3. submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA 76-3-612) (2017);
 - 4. pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development;
 - 5. causing to be recorded on the plat a statement concerning limited public services;
 - 6. causing to be recorded an Agricultural Notification Statement.
 - 7. obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;
 - 8. causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID;

Board Questions:

Richard Liebert asked if this was the Old Trader Joe's location and how long had Mr. Davy owned the property.

Todd Davy replied it is Trader loes, less than one (1) year.

Ken Thornton asked about the access and are they approved.

Todd Davy replied there are two (2) existing approaches currently, O.K.'d by the DOT.

Elliott Merja asked about the residence and the old business location.

Todd Davy replied there is a resident in the home and the business will be occupying the Old Traders Joes Jocation.

Elliott Merja asked what type of business.

Todd Davy replied similar to woodworking.

Public Comment Opened at 9:10 am

Applicant: Todd Davy, 535 Wilson Butte Rd, stated that they have or will soon meet all criteria.

Proponents: none Opponents: none

Public Comment Closed at 9:11am

Board Discussion & Decision:

Richard Liebert commented that he like the section Decision Alternatives'.

Mark Carlson motioned to recommend to the County Commission that the <u>Plat of Davy's Minor Subdivision</u> be approved, subject to the following conditions:

- 1. having the developer's surveyor correct any errors or omissions on the preliminary plat;
- 2. causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
- 3. submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA 76-3-612) (2017);
- 4. pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development;
- 5. causing to be recorded on the plat a statement concerning limited public services;
- 6. causing to be recorded an Agricultural Notification Statement.
- 7. obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;
- 8. causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID:

Dexter Busby seconded the motion.

All in Favor, Motion passes 7-0

B. Amend Zoning Regulations

Alex Dachs presented the request on behalf of the Sun River Valley Public Schools for the change in the Cascade County Planning Division, and for the review of the Cascade County Zoning Regulations, Sections 2 (Definitions) & 7.8.10 (Uses Permitted upon Issuance of a Special Use Permit in Mixed Use District).

The definition "Community Residential Facility" was clarified, and the portion of the definition "serving eight or fewer persons" was removed. There are subgroups to this definition that could be restricted to serving a certain number of individuals. A request to amend the Uses permitted upon issuance of a Special Use permit in a mixed use district was revised to include the use of a second dwelling or multifamily dwelling unit including duplex. This additional use was at the request of the Sun River Valley Public Schools, to provide in district housing that is affordable in hopes of attracting and retaining educators.

ZONING ANALYSIS

Pursuant to MCA 76-2-203 and Chapter 1 of the Cascade County Zoning Regulations, all zoning amendment requests are to be considered in light of the following ten criteria and guidelines.

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1. Made in accordance with the growth policy.

State statutes specify the following uses and limitations on uses of the Cascade County Growth Policy:

MCA 76-1-605 Use of adopted growth policy.

- (1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern development set out in the growth policy in the:
 - (a) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;
 - (b) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and
 - (c) adoption of zorling ordinances or resolutions.
- (2) (a) A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.
- (b) A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

The 2014 Cascade County Growth Policy contains five goals which the policy defines as a broad, generalized expression of commonly held community values regarding growth, development patterns, and quality of life. They are intended to express the primary theme, or general intent and direction of the growth policy. Each goal also includes a subset of objectives which the growth policy defines as a more narrowly defined and concrete expression of community intent. The five goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well-being of Cascade County citizens. Objectives:

These primary goals are the same goals listed in the 2006 Cascade County Comprehensive Plan, as well as new additional goals. The planning board believes that these goals continue to provide the best overall direction for county planning.

- A. Stimulate the retention and expansion of existing businesses, new businesses, value added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.
- D.) Promote the development of cultural resources and tourism to broaden Cascade County's economic base.
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.
- I. Encourage the growth of the agricultural economy.
- J. Stimulate the growth of the economy by encouraging the use of alternate methods.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development. Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.
- Assure clean air, clean water, a healthful environment and good community appearance.
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Goal 3: Maintain agricultural economy Objectives:

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Goal 4: Retain the presence of the U.S. Military in Cascade County Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.
- B. Promote the location of additional military missions in Cascade County.
- Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens. Objectives:

- A. .Maintain Cascade County's citizen's independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Goal 1: Sustain and strengthen the economic well-being of Cascade County citizens.

Applicant: regarding goal 1, the proposed zoning amendment to be in general compliance with the growth policy's goal to sustain and strengthen the economic well-being of Cascade County's citizens. Objectives A, B, C, F, G of this goal will be met as the additional proposed use allowed with a Special Use Permit in the Mixed-Use District deal with the economy and business in Cascade County. The economy would be strengthened by adding multi-family dwellings to the Special Use Permit list. It not only provides the opportunity for quality affordable housing to residents but promotes local business due to residents staying in Cascade County because of the affordable housing. This goal does not generally promote objective D, as this zoning amendment for allowed uses is not expected to promote the development of cultural resources and tourism to broaden the economic base.

Staff believes that allowing a second-dwelling in a mixed used district, would not be expected to greatly impact the economic wellbeing of residents in the County. There would be some economic stimulation while a home is under construction. While the use may not impact the objectives specifically, providing a residence for workers to live could promote the agricultural economy, promote new businesses in areas of mixed use (Vaughn, Fort Shaw, Ulm, Tracy, etc.) due to the residents, new entrepreneurships, promoting new and existing business and natural resource development.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Applicant: Goal 2 objectives A, B, C, D would apply to the proposed amendment. By the amendment of duplex being added to the Special Use Permit list under the Mixed-Use zoning, it would give Cascade County communities the opportunity the develop housing within the communities themselves. Specifically, regarding objective C, the Special Use Permit process gives jurisdiction to the zoning committee to discourage poor developments and subdivisions.

Staff believes that allowing a second dwelling in the mixed use district will encourage development to locate near existing towns and settlements, while promoting preservation of open space and natural beauty. This goal will be met to maintain rural character and promote natural resource development by locating homes near existing developments, preserving open space, and to discourage poor land use.

Goal 3: Maintain Agricultural Economy

Applicant: Goal 3 does not directly apply to the proposed amendment. The agricultural economy will be maintained as the development of duplex dwellings would not impede on any agricultural land but within the communities that are zoned as Mixed-Use.

Staff believes that allowing a second-dwelling in mixed use district may allow for more farmland to be preserved as it can be farmed rather than be developed for housing. Allowing more housing near the agricultural land may promote the economy as farmers and ranchers may be able to live closer to where they work.

Goal 4: Retain the presence of the U.S. Military in Cascade County

Applicant: The proposed amendment will not affect any of Goal 4 objectives.

Staff believes the mixed use districts are not in close proximity to Malmstrom Air Force Base or launch facilities and should not have any impact on current or future missions.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Applicant: Goal 5 objectives A, B, D apply to the proposed amendment. It would promote living in Cascade County because quality housing that is affordable would be available to the residents in Mixed- Use zones, like Simms, MT. Specifically to this project, this amendment would help the local school district retain teachers. The school has had trouble keeping staff due to the lack of quality, affordable housing. They then choose to commute from out of the county. After so long they do not enjoy the commute and decide to leave the school district.

This amendment would encourage the continued development of educational programs. Small communities that are zoned as Mixed-Use will be able to retain their teachers and staff to provide quality education to the local children.

Staff believes this goal would be supported as the rural friendly independent lifestyle enjoyed by county residents would be maintained. Allowing a second dwelling in a mixed use district allows individuals to live in rural areas, where they do not need to commute long distances between work and home. The additional use of a second dwelling may help retain individuals working in the area and grow these small communities over time.

Overall Compliance:

Determining compliance with the growth policy for the proposed zoning regulation changes demonstrates the inherent tensions and contradictions between various goals and objectives. The intentionally broad language used in forming goals naturally leads to statements that are capable of multiple interpretations. Fully meeting one goal may mean that a land use action fully contradicts another. Staff also remains mindful that recent statutory changes to the Growth Policy Act and related court decisions make it clear that growth policies are not regulatory documents and may not be used to condition of deny a land use action.

With these principles in mind, Staff finds the proposed changes generally complies with the 2014 Cascade County Growth Policy and the level of compliance is acceptable. The proposal meets the growth policy's goal to sustain and strengthen the economic well-being of the county's citizens. The proposal does not negatively affect Cascade County's rural character or agricultural economy. The growth policy's goal to retain the presence of the U.S. Military does not directly apply. The proposal would be expected to stimulate to have some impact on the local economy, while preserving independent lifestyle enjoyed by county citizens.

Criteria #2:

Whether the zoning regulations have been designed to secure safety from fire and other dangers.

There will be no danger or safety concerns with the proposed tract of land if a 'Duplex' is allowed on the site.

Staff feels that amending the zoning regulation to allow a second dwelling in the mixed use district will secure safety from fire and other dangers as it is in close proximity to existing development and volunteer fire departments and not at the far reaches of the county.

Criteria #3:

Whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

Create quality affordable housing close to the local school.

Staff feels that public health, safety and welfare will be maintained. Most mixed use districts have water/sewer systems to benefit the community and reduce issues associated with individual septic systems which could impact nearby wells and public health.

Criteria #4:

Whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage schools, parks, and other public requirements.

The proposed site is on a corner lot with streets on the north and east sides. An existing well is on site. It is anticipated that it will be abandoned and a new well will be drilled away from the proposed structure. The existing sewer line runs east and west in the street to the north of the site. Simms High School is located directly across Walker St. to the east of the site.

Staff feels that allowing a second dwelling will help facilitate transportation, water, sewage, schools, and other requirements as a second home will be located close to existing residences where these services are already in place rather than locating in an area where there are no services and must be established.

Criteria #5:>

Whether the zoning regulations have been designed to provide adequate light and air.

the proposed amendment does not affect the current conditions of the site and adequate light and air will still be present.

Staff feels the proposed amendment should not impact adequate light and air.

Criteria #6:

Whether the zoning regulations have been designed to address effects on motorized and non-motorized transportation systems.

There is no affect on the transportation system but allows for non-motorized transportation (walking) to and from the local high school across the street. It is anticipated that school staff and faculty reside at the proposed duplex residence.

Staff feels that the amendment could impact non-motorized transportation and individuals may not need to commute long distances to work each day, but could walk or ride a bike if the home is in close proximity to where they work. This would also decrease the amount of motorized transportation by eliminating trips or long distance commutes that would not be needed.

Criteria #7:

Whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

The site is within the original townsite of Simms.

Staff feels this amendment will be compatible with the townsite of Simms

Criteria #8:>

Whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

The district would benefit by developing vacant lots and creating quality affordable housing.

Staff feels this request in the mixed use district is valid as the lot sizes are generally small in size

and do not need to accommodate water and wastewater systems as the communities typically have a system.

Criteria #9:

Whether the zoning regulations have been made with a view to conserving the value of buildings.

It is anticipated that the value of existing buildings would see no change or increase in value due to the development of housing, especially across from a local educational facility.

Staff feels that the building values will be conserved in the future as other residences may be built nearby.

Criteria #10:

Whether the zoning regulations have been made with a view to encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed amendment to allow 'Duplex' to be added to the list of uses in MU – Mixed Use section 7.8.10 Use Permitted Upon Issuance of a Special Use Permit would be compatible for all hearby municipalities. The proposed amendment still gives the jurisdiction to the Cascade County Zoning Review Board. It will allow users to propose the development of a duplex in the MU zoning districts and the review board to deem it appropriate or not through the Special Use Permit process outlined in the current Cascade County Zoning Regulations.

Staff feels that allowing second dwelling in mixed use district allows for appropriate uses of land through the area, as it conserves agricultural land and promotes development near existing towns.

RECOMMENDATION

The recommendations before you are for consideration today for the public to have an opportunity to voice their approval or concerns. These changes will be forwarded to the Commissioners where the public will again be able to address any additional questions or concerns.

MOTIONS:

OR:

Alternative One—The Planning Board, after reviewing the staff report and proposed regulation changes for compliance with the criteria and guidelines for zoning regulations MCA 76-2-203, adopt the staff report and recommend to the Board of County Commissioners that the request to amend Section 2 (Definitions), and Section 7.8.10 (Uses Permitted Upon Issuance of a Special Use Permit in Mixed Use District)" be denied;

Alternative Two- The Planning Board, after reviewing the staff report and proposed regulation changes for compliance with the criteria and guidelines for zoning regulations MCA 76-2-203, adopt the staff report and recommend to the Board of County Commissioners that the request to amend Section 2 (Definitions), and Section 7.8.10 (Uses Permitted Upon Issuance of a Special Use Permit in Mixed Use District)" be approved.

Board Questions:

Richard Liebert referred to page 11, asked about deleting the 'eight or fewer', and wanted to know how it would affect the ranchers and colonies.

Alex Dachs replied that it had to with the assisted living facilities, it should not impact the colonies.

Richard Liebert asked if the school district would own the dwelling, is it considered a rental.

Elliott Merja replied that the Fort Shaw school district have purchased or currently own a few homes in the area, it has been very helpful retaining teachers. Simms is wanting to do the same thing. When he was on a rural school board, the living quarters were considered part of the hiring package.

Richard Liebert asked if this would allow other small school districts to the same thing.

Ales Dachs replied yes, the school and other property owners.

Elliott Merja said it may be restricted to a teacher.

Alex Dachs replied no.

Rob Skawinski asked for clarification on whether it affected only the school districts, or if others could apply.

Alex Dachs replied yes, it would affect anyone owning property in a Mixed-Use District that wanted to put up a duplex. They would need ZBOA approval too.

Dexter Busby asked if the structures would have to have individual wells and septic.

Alex Dachs replied per parcel.

Rob Skawinski asked for an explanation of Mixed-Use versus other zoning districts allowing homes and duplexes. Would the second dwelling be restricted to a duplex or could a triplex and larger be allowed?

Alex Dachs replied Mixed Used allows for one (1) single family home (SFD) per parcel, there are other districts that allow two SFD or a duplex. This is for duplex or second SFD, it does not address triplexes and larger.

Ken Thornton asked why the applicant couldn't apply for a variance.

Alex Dachs replied the regulations are permissive regulations and must be an allowed use. This doesn't address the request.

Ken Thornton asked that every time an owner wanted a second SFD and would it require an Special Use Permit (SUP).

Alex Dachs replied yes.

Mark Carlson asked about someone currently owning property with two (2) SFD on it, and they want to sell it, would the new owner have to reapply for a SUP. Does the original SUP hold?

Alex Dachs replied that it would be in perpetuity, if the original permit doesn't change.

Dexter Busby asked about duplex versus a triplex or larger. What was the reasoning in this. Should this say a multi-family home instead of a duplex?

Alex Dachs replied that the applicant wanted to have two SFD on a parcel, and it started this process. Staff would need to look into the process of the larger type units.

Mark Carlson said he believed it is to place a maximum or saturation level in some locations.

Rob Skawinski wanted to know how this would affect a rancher who wanted larger living facility for hired help. There will be some other factors that should be considered, so why restrict it to a duplex when septic and water could restrict it.

Elliott Merja said he thought it would be different from a Mixed-Use District instead of Ag District. A rancher would most likely have numerous parcels and acreage available.

Alex Dachs said that Mixed Used is mainly for towns such as Simms.

Mark Carlson asked how that would affect Sun River, so much is in the floodplain.

Alex Dachs and Elliott Merja said that area is a whole different situation. Elliott Merja added that what we are concentrating on is getting smaller towns, such as Simms, to have other housing options with the small of sizes in these towns.

Alex Dachs said that was the purpose of this and suggested that the rest could be addressed in the future.

Ken Thornton asked about requirements on two homes in other residential zoning areas.

Alex Dachs replied that RR5 would need an SUP for a second home, typically need to get DEQ approval. SR1 and SR2 requirements are similar to RR5. Ag District has the 20-acre minimum and an SUP.

Richard Liebert commented that he believes that it is a good thing that this Board is working at getting the unintended consequences of changing the regulations before it goes to the Board of County Commissioners.

Dexter Busby referred to page 11 'eight or fewer', and requested clarification.

Alex Dachs explained it has to do with a previous problem, but it does conflict with itself in language.

Ken Thornton asked which communities currently allow residential facilities.

Alex Dachs replied RR5, SR1, SR2, UR.

Elliott Merja said this restricts them to certain areas, and asked for clarification on UR.

Alex Dachs replied that UR refers to most smaller properties on the edge of Great Falls.

Richard Liebert asked if not amended, what will happen to this.

Elliott Merja replied it conflicts with the definitions below it.

Dexter Busby stated his concern was with not having a number on the assisted living or other care dwellings.

Richard Liebert replied that usually these businesses that have so few residents are viable.

Public Comment Opened at 9:45 am

Proponents: none **Opponents:** none

Public Comment Closed at 9:46 am

Board Decision:

Mark Carlson motioned to The Planning Board, after reviewing the staff report and proposed regulation changes for compliance with the criteria and guidelines for zoning regulations MCA 76-2-203, adopt the staff report and recommend to the Board of County Commissioners that the request to amend Section 2 (Definitions), and Section 7.8.10 (Uses Permitted Upon Issuance of a Special Use Permit in Mixed Use District)" be approved.

Dexter Busby seconded the motion.

All in Favor, Motion passes 7-0

C. Annual Report:

A copy of the annual report can be retrieved from the Planning office for reference.

Alex Dachs presented the report. It being similar to previous annual reports, with subdivisions, and we plan on having similar numbers.

Board Comments and Questions:

Richard Liebert commented on there not being a Planning Director.

Alex Dachs said he does not know if the County is advertising the position. Nadine Thares said it would be posted at the Human Resources office.

Richard Liebert asked if the colonies are required to submit an application for buildings. He has noticed some work in his area.

Elliott Merja said it depends on the parcel and acreage in that parcel.

Alex Dachs added that the office doesn't check structures placed over 160-acres. The State of Montana would be involved (State Building Inspector, DEQ, and State Revenue).

5. Old Business: none

6. Board Matters:

Richard Liebert congratulated staff on getting more information online for public viewing.

7 (Public Comments Regarding Matters within the Board's Jurisdiction: none

8. Adjournment:

Dexter Busby motioned to adjourn.

Mark Carlson seconded motion

All in Favor, Motion passes 7-0. Meeting adjourned at 9:55 am



